

February 11, 2010

Mr. Ford called the workshop meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Severino, Mr. Nace, Mr. Badenhausen, Mr. Ryland, Mr. Kastrud, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Bischoff, Mr. Walchuk, Mrs. Corcoran, Mr. Taibi

Others Present: Atty. Mark Anderson, Robert Clerico, Carl Hintz, John Cortese, Kevin Page, Ryan Barber

Approval of Minutes: Mr. Kirkpatrick made a motion to approve the minutes of the December 17, 2009 meeting. Mr. Ryland seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Ryland, Mr. Nace, Mr. Badenhausen, Mr. Kastrud, Mr. Ford

Abstain: Mr. Severino

Mr. Ryland made a motion to approve the minutes of the January 14, 2010 reorganization meeting. Mr. Kirkpatrick seconded the motion.

Vote: Ayes: Mr. Ryland, Mr. Kirkpatrick, Mr. Severino, Mr. Nace, Mr. Kastrud, Mr. Ford

Abstain: Mr. Badenhausen

Informal: Cortese: Block 22, Lot 5, Frontage Road: Garden Center: Kevin Page, Page Engineering, gave a brief overview of the plan. Mr. Page said the site had received approval for mini-warehouses. Mr. Cortese purchased the property in 2007 and would like to construct a landscape center. The center would have plants, bulbs, gravel, paver stones, nursery stock and greenhouses. The plan would comply with current buffer setbacks. Mr. Ford asked Mr. Page if the proposal would comply with permitted uses. Mr. Page does not think outdoor storage is permitted. If that is accurate, he wanted to know if the Board would be inclined to consider granting relief. Mr. Ford thought a use variance would be required and it would be heard by the Board of Adjustment. Atty. Anderson indicated that he was unsure whether the Board had jurisdiction to consider an informal application.

Mr. Page provided additional information on the proposal. He said the intention is to have a landscape yard. The existing dwelling would be renovated for office space. The garage would be used for equipment associated with the business and plants. Other related merchandise would vary with the change of seasons. Mr. Hintz cited Sections of the Ordinance that the proposal would be in compliance with, as well as those that would not comply, i.e., impervious surface coverage and maximum building coverage. Outdoor storage is prohibited in the district. Mr. Hintz concluded that applicant should either apply to the Board of Adjustment for an interpretation, and beyond that a use variance.

Mr. Ford said it appeared that a formal application for a use variance would be required. Atty. Anderson emphasized that the Board should not be giving an advisory opinion at this stage. Mr. Clerico agreed with Mr. Hintz regarding uses permitted/not permitted by the Ordinance. Atty. Anderson observed the plan might not be strictly retail. Mr. Page said he believes the Board wants a formal application for a use variance. Atty. Anderson said applicant might choose to ask for an interpretation for one or more sections of the Ordinance. Mr. Kirkpatrick emphasized the Board looks closely at impervious surface coverage, building coverage, the type of materials being stored and treatment of storm water. He said the Spruce Run Reservoir is nearby and there have been issues with nutrients in that water supply. Mr. Kirkpatrick said there is a residential development nearby and the Board would look at such items as dust, glare and noise that might affect those residents.

Mr. Cortese said the intention is to have the front of the property landscaped. Outdoor storage would be behind the buildings in the interior of the property. Mr. Page said all the work will be back of the existing home, which is about 300 feet from the road. Atty. Anderson told applicant that planning testimony would be required for a use variance. The Board was thanked for their time.

Mr. Ford changed the order of the agenda to hear comments from the Public. Ryan Barber, Project Manager for Haas Construction, appeared before the Board at the suggestion of Zoning Official Richard McManus. Mr. Barber is seeking a Zoning Permit to perform interior work at the Ikaria Building, 6 Route 173 West. Ikaria proposes installation of a partition that would divide one existing office into two. A scissor gate will be installed in the kitchen, some plumbing would be replaced and high-density storage for files is proposed. Mr. Kirkpatrick said that Richard McManus had reviewed a building permit application that included interior modifications. Mr. McManus's interpretation of the Zoning Ordinance indicated that a review was required by the Board or the Board could delegate its authority to the Zoning Official. Mr. Kirkpatrick said that given the minimal amount of work proposed and with no change of use or the number of employees, he thought it would be a good idea for Mr. Barber to present what was being done and ask the Board if it would be appropriate for Mr. McManus to complete the planning review.

Mr. Barber said he had plans available if any of the Board members wanted to review them. Mr. Ford asked if the Board could direct the Zoning Official to deal with the matter. Atty. Anderson asked if Mr. McManus had made a decision that the use was not permitted. Mr. Kirkpatrick said Mr. McManus came to the conclusion that Planning Board/Board of Adjustment review was required. Therefore, he declined to issue a permit. The area of the proposed work is approximately 200-square feet. Atty. Anderson said it was not clear to him why Mr. McManus thought it was something he could not approve. Mr. Clerico referenced the Zoning Ordinance, which states that site plan review is required for any development application, which includes the issuance of a building permit. A waiver could be granted. The only exemption is for single-family dwellings.

Mr. Kirkpatrick thought the work was minor enough that the Board should waive the site-plan requirements or allow Mr. McManus to waive those requirements. Atty. Anderson said the Board could waive the site-plan requirement. Mr. Anderson asked Mr. Barber about change in the exterior or change in the use. Mr. Barber said there would be no changes to the exterior or the use. The number of employees will not change with the alteration. Atty. Anderson said a waiver would be appropriate. Mr. Kirkpatrick said he did not want to see a site-plan application. Mr. Hintz said the application meets requirements for a waiver. Atty. Anderson said sworn testimony should be set forth for the record. Atty. Anderson swore Ryan Barber. Mr. Barber said his request meets all the requirements for a waiver.

Mr. Kirkpatrick made a motion to waive the requirement for site plan review of the Ikaria project. Mr. Severino seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Severino, Mr. Nace, Mr. Badenhausen, Mr. Ryland, Mr. Kastrud, Mr. Ford

Mr. Ford asked secretary to inform Mr. McManus that the Board granted a waiver. Atty. Anderson said he would prepare a Resolution for Memorialization. Mr. Anderson thought that Mr. McManus ought to be able to act, based upon what the Board had done. He did not feel that applicant should be held up while waiting for the paperwork.

Correspondence: PS&S Letter dated 12/10/09 Re: JCP&L Multi-Permit Application: Mr. Kirkpatrick said JCP&L is applying for a general permit to do maintenance within their right-of-ways and substations. **Pattensburg Service Station: Block 5, Lot 31, 120 Route West: Letter dated 12/22/09 Re: Classification Exception Area:** Property owner is unable to meet applicable groundwater standards; therefore, an exception is being sought.

Comments from the Public/Other Discussion: Franklin Township, Warren County Truck Depot: Mr. Ford gave a brief overview of the proposal to build a huge warehouse on two lots that total approximately 190 acres. The project would negatively affect the Musconetcong River and two smaller Category I streams. Dock space for 1,400 trucks is proposed. Local municipalities, including Union Township, would be impacted by the traffic. Mr. Ford said the Township Committee adopted a Resolution opposing the project. Mr. Hintz said there would be a substantial COAH obligation. Mr. Kirkpatrick said there are sinkholes. He also said there was very little the Board could do. The use is permitted in the zone. However, they should stay vigilant about the potential impact on Union Township. Mr. Ford understood there is an adjacent lot that may be available. He also said the property is in the Highlands Planning area.

Motion to Adjourn: Mr. Kirkpatrick made a motion to adjourn. Mr. Ford seconded the motion. (8:10 p.m.)

Vote: All Ayes

